

**URGENT LEGAL MATTER**  
**DELIVERY BY EMAIL, FAX and OVERNIGHT MAIL**

January 30, 2004

Waterbury Realty, LLC  
Great Brook Industrial Park  
Salvatore Casino  
801 Bartholdi Street  
Bronx, NY 10467

**Re: Notice of EPA Intent to Assume Performance**  
**Administrative Order on Consent, CERCLA Docket No. 01-2003-0060**  
**EPAC Superfund Site**  
**Waterbury, Connecticut**

Dear Mr. Cascino:

EPA is hereby notifying you that you have failed to comply with the terms of the above-referenced Administrative Order, and to inform you of EPA's intent to assume performance of all remaining work if Waterbury LLC fails to take corrective action within seven (7) days from the date of this letter. Specifically, EPA will assume performance of all remaining work as referenced in Article XIX, paragraph 61 of the Order which states "In the event EPA determines that the Respondent has ceased implementation of any portion of the work....EPA may assume the performance of all or any portion of the work as EPA determines necessary".

On January 30, 2004, a dispute over payment between Waterbury LLC and its lead contractor, Environmental Services, Inc resulted in the contractors' refusal to complete significant elements of the task order, namely, transportation and disposal of the PCB transformers and associated waste generated from removal activities at the Site. This situation presents an immediate and/ or potential hazard to public health and safety and; therefore, Waterbury Realty, LLC must take immediate actions to remedy its non-compliant status, or EPA will be forced to assume performance of all remaining work required in the Order. EPA reserves its right to assess civil penalties in accordance with paragraphs 51 and 52, specifically, "...\$1,000 per day for each and every failure to comply with the requirements of this Order.... and ".....All penalties shall begin to accrue on the day after the complete performance is due or the day a violation occurs, and shall continue to accrue through the final day of the correction of the noncompliance...." Moreover, should EPA assume primary responsibility for the clean-up, in addition to these penalties,



dispute Resolution

Respondent will be subject to a cost recovery action for all costs incurred by EPA.

If you have any questions regarding the steps you must take to comply with the Order, please contact On-Scene Coordinator Leslie Sims, at (617) 918-1235.

Sincerely,

Steve Novick, Chief  
Emergency Response and Remediation II

cc: Leslie Sims, EPA On-Scene Coordinator  
Sharon Fennelly, EPA Enforcement Coordinator (inter-office mail)  
Jim Fowley, EPA Attorney (inter-office mail)  
Dr. Dada Jabour, CT DPH (U.S. Mail)